

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC., SECURITIES,
DERIVATIVE & "ERISA" LITIGATION

MDL NO. 1658 (SRC)

THIS DOCUMENT RELATES TO:
THE CONSOLIDATED SECURITIES ACTION

CASE NO. 2:05-CV-01151-SRC-MAS
CASE NO. 2:05-CV-02367-SRC-MAS

STIPULATION AND [PROPOSED] ORDER

WHEREAS, *In re Merck & Co., Inc., Securities, Derivative & "ERISA" Litigation*, MDL No. 1658 (the "MDL"), is pending before this Court;

WHEREAS, the consolidated securities action, No. 05-CV-02367 (the "Consolidated Securities Action") is one of the pending MDL actions;

WHEREAS, on November 15, 2005, this Court (Bongiovanni, M.J.) "so-ordered" Pretrial Order No. 2 (Protective Order), which governed the production and disclosure of documents and all tangible things in all MDL actions;

WHEREAS, on November 20, 2007, this Court (Chesler, J.) entered a Supplemental Protective Order (Addendum to Pretrial Order No. 2) ("Supplemental Protective Order") in the ERISA Action (Case No. 2:05-CV-02369) (attached hereto as Exhibit A), which governed the production of certain types of Confidential Information in electronic form other than .tiff images;

WHEREAS, the Securities Plaintiffs were not a party to the Supplemental Protective Order;

WHEREAS, according to the terms of the July 8, 2005 Order entered by this Court (Bongiovanni, M.J.), Defendants are in the process of producing documents to the Securities Plaintiffs that were previously produced to the ERISA Plaintiffs;

IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their undersigned counsel, **AND SO ORDERED**, as follows:

In addition to all applicable protections set forth in Pretrial Order No. 2, the Securities Plaintiffs agree that they will be bound by the terms of the Supplemental Protective Order entered by this Court on November 20, 2007 (attached hereto as Exhibit A).

DATED: May 18, 2010

STIPULATED AND AGREED

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Co-Lead Counsel for Plaintiffs and the Class

DATED: May 24, 2010

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Anstice, Richard T. Clark, Celia Colbert,
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J. Kelley, Per G.H. Lofberg, Per Wold-Olsen
and Lloyd C. Elam*

DATED: May 21, 2010

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SO ORDERED: 6/3, 2010

Hon. Stanley R. Chesler
United States District Judge

Exhibit A

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC., SECURITIES,
DERIVATIVE & "ERISA" LITIGATION

MDL No. 1658 (SRC)

THIS DOCUMENT RELATES TO:
THE CONSOLIDATED ERISA ACTION

Case No. 2:05-CV-01151-SRC-MF
Case No. 2:05-CV-02369-SRC-MF ✓

**SUPPLEMENTAL PROTECTIVE ORDER
(ADDENDUM TO PRETRIAL ORDER NO. 2)**

IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their undersigned counsel, AND SO ORDERED, as follows:

1. In addition to all applicable protections set forth in Pretrial Order No. 2 (the "Protective Order"), which was "so ordered" by the Court (Bongiovanni, M.J.) on November 15, 2005, this Supplemental Protective Order will govern the use and distribution of Confidential

Information produced in electronic form other than .tiff images ("Confidential Electronic Information").

2. The designation of the storage medium as containing Confidential Electronic Information shall serve to designate each of the files on the medium, unless otherwise specified by the Supplying Party.

3. Where the Receiving Party seeks to share Confidential Electronic Information with "Qualified Persons" as described in and in accordance with the Protective Order, the Receiving Party shall mark print-outs of Confidential Electronic Information with the legend "Confidential—Subject to Protective Order" prior to disseminating the Confidential Electronic Information.

4. The Receiving Party shall mark the storage medium of any permissible copies of the Confidential Electronic Information with the legend "Confidential—Subject to Protective Order".

5. The Receiving Party shall use reasonable efforts to prevent Confidential Electronic Information from being stored in computers to which persons not authorized to view Confidential Information have access. The Receiving Party shall also take reasonable steps to ensure that printouts and copies of Confidential Electronic Information maintained by the Receiving Party, and not disseminated to permissible parties, are kept in a manner that will prevent unauthorized users from viewing the printouts or copies.

6. Where the Receiving Party seeks to share Confidential Electronic Information with "Qualified Persons" as described in and in accordance with the Protective Order, the Receiving Party shall mark any hard copies of analyses, distillations, or other documents that are

derived from Confidential Electronic Information with the legend "Confidential—Subject to Protective Order" prior to disseminating the Confidential Electronic Information.

DATED: November 13, 2007

AGREED TO BY:

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Counsel for Plaintiff

DATED: November 13, 2007

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DATED: November 13
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SO ORDERED: November 19, 2007


Hon. Stanley R. Chesler
United States District Judge